IN RE: PETITION FOR ADMIN. VARIANCE
SE/S Setonhurst Road, 126.39' NE of the
c/l of Avonhurst Circle
(3915 Setonhurst Road)
2nd Election District
2nd Councilmanic District

Joselito D. Moises, et ux Petitioners

- * BEFORE THE
- ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 99-422-A

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Joselito D. and Ellena A. Moises. The Petitioners seek relief from Sections 1B02.3.B and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section 214.1) to permit a side yard setback of 2 feet in lieu of the minimum required 11.25 feet for an open projection (deck). The subject property and relief sought are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore

Seggin in income

County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of May, 1999 that the Petition for Administrative Variance seeking relief from Sections 1B02.3.B and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section 214.1) to permit a side yard setback of 2 feet in lieu of the minimum required 11.25 feet for an open projection (deck), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386 Fax: 410-887-3468

May 20, 1999

Mr. & Mrs. Joselito D. Moises 3915 Setonhurst Road Baltimore, Maryland 21208

RE: PETITION FOR ADMINISTRATIVE VARIANCE
SE/S Setonhurst Road, 126.39' NE of the c/l Avonhurst Circle
(3915 Setonhurst Road)
2nd Election District – 2nd Councilmanic District
Joselito D. Moises, et ux – Petitioners
Case No. 99-422-A

Dear Mr. & Mrs. Moises:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

... D.

People's Counsel; Case File



REU 9115198

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 39/5 Seton honst Rd.
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) | BO2.3.B, (214.1 old regs), 301.1

To allow a sidey and Setback & 2ft. for an open projection (deck) in lieu of the minimum required 11.25 ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

	Legal Owner(s): JOSE UTO (Name - Type or Print January 1.		
	Name - Type or Print		
	Name - Type or Print	1/00	
	Signature	NOON	
lenhone No		238101	
opnone no.	x Albert ().	House	
Zip Code	Signature		1
	<u> </u>	RET RD.	410) 521-302
		M/O	Telephone No.
	City	State	Zip Code
	Representative to	be Contacted:	
	Name		
enhana Na	Addrage		Telephone No.
phone No.	Addless		releptione No.
Zip Code	City	State	Zip Code
•	ephone No.	Zip Code Zip Code Signature 3915 SETOURU Address BACT INVORCE City Representative to Name Address	Zip Code Signature 3915 SETDUNURET RD. Address BACTIMORE MO City State Representative to be Contacted: Name Address Address

Estimated Posting Date

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

competent to testify thereto in the event that a pr	ublic hearing is	s scheduled in the	future with rega	rd thereto.
That the Affiant(s) does/do presently reside at		ETON HURS		
•				21208
	City	MORE	State	Zip Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardshi	wing are the fa	acts upon which !/ difficulty):	we base the red	quest for an Administrative
I AM PETITIONING FO				
IT WILL GIVE COMFORT	AND 5	XTEND LIVI	NG SPACE	ETOMY
GROWING FAMILY.			ROUIDE A	A SAFE
AREA FOR MY CHILDRE	N TO	PLAY		
That the Affiant(s) acknowledge(s) that if a fo advertising fee and may be required to provide a	rmai demand additional infor	is filed, Affiant(s) mation.	will be require	d to pay a reposting and
		011	054	
Joulet P. Moin		X Ellera Signature	1 (1. Mac	rau
JOSELITO O. MOISES			A NACIOSES	
Name - Type or Print		Name - Type or P	A. 1461885 rint	
			- - :	
STATE OF MARYLAND, COUNTY OF BALTIN	IORE, to wit:	ነወር (Ç.	
I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, per	reonally appea	red , 179	1, before me, a	Notary Public of the State
Joselito is moiser			<u></u>	
the Affiant(s) herein, personally known or satisf law that the matters and facts hereinabove set for	factorily identiforth are true a	fied to me as such nd correct to the b	n Affiant(s), and est of his/her/the	made oath in due form of eir knowledge and belief.
AS INTNESS my hand and Notarial Seal		6		
1000	(7	
Date	Nota	y Public		*

My Commission Expires

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

competent to testify thereto in the event that a p	within the personal ublic hearing is sch	Knowledge of the At Eduled in the future wit	names) and mat Amant(s) is/are h regard thereto.
That the Affiant(s) does/do presently reside at	3915 SETT	NHURST RD	
	BAUTIMOKE	mo	21208
	City	State	Zip Code
That based upon personal knowledge, the follo Variance at the above address (indicate hardship)	wing are the facts up or practical difficu	pon which I/we base lty):	the request for an Administrative
	•	-	VARIANCE BECAUSE
IT WILL COMFORT A			
GROWING FAMILY.	IT WILL A	iso provide	A SAFE AREA
FOR MY CHILDREN	TO PLAY		
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is file additional informatio	ed, Affiant(s) will be in.	equired to pay a reposting and
Jorlet Main Signature		Ellera Q. D	Kam
	Sig	jñature	
JOSEUTO D. MOISES Name - Type or Print		EUENA A. MOI: me - Type or Print	िहर
STATE OF MARYLAND, COUNTY OF BALTIN			
I HEREBY CERTIFY, this 22 day of 1 day	fsonally appeared	, <u>\999</u> , before	me, a Notary Public of the State
the Affiant(s) herein, personally known or satislaw that the matters and facts hereinabove set for	factorily identified to	me as such Affiant(s), and made oath in due form of
law that the matters and facts heremabove set in	orur are true and co	best to die best of fils	nei/ineir Miowieuge and belief.
AS WITNESS my hand and Notarial Seal	P		
Spr 22 1999		Soul !	*
Date V	Notary Po	blic -	

My Commission Expires

REU 09|15|98

LYNNETTE A. P. HENRY
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires November 1, 2002



Petition for Administrative Variance

			Commissioner		•
	for the p	roperty	located at 3915		
			which is presen	tly zoned)K.5.5
This Petition shall be fill owner(s) of the property si made a part hereof, hereb To allow a (deck) in lieu	rtuate in Baltimore County by petition for a Variance from	and which om Section	n is described in the desc on(s)	ription and plat a	ttached hereto and
of the zoning regulations o of this petition form.	of Baltimore County, to the	zoni ng la	w of Baltimore County, fo	r the reasons ind	icated on the back
Property is to be posted ar I, or we, agree to pay expens regulations and restrictions o	es of above Variance, advert	tisina, pos	ting, etc. and further agree t	o and are to be bo e County.	unded by the zoning
			I/We do solemnly declar perjury, that I/we are the is the subject of this Pet	legal owner(s) of	the penalties of the property which
Contract Purchaser/Le	essee:		Legal Owner(s):		
			TOCELLED O	WUICE	
Name - Type or Print			SOSEUTO D. Name - Type or Rrint Obville D.		
Signature			Signature		
Address	Telephone	•	Name - Type or Print	eonen	
City	State Zip C	ode	Signature		
Attorney For Petitione	<u>re</u>		3915 SETONHURI Address	T ED	(410) 521-3626 Telephone No.
Name - Type or Print	·		BACTIMORG	mo	୭13-0&
Name - Type or Print	-		City Sommon materials and a	State	Zip Code
Signature			Representative to	<u>be Contacted:</u>	
Company			Name		
Address	Telephone	No.	Address		Telephone No.
City	State Zip C	ode	City	State	Zip Code
A Public Hearing having been his day of egulations of Baltimore County a	 that the subject n 	natter of thi	equired, it is ordered by the as petition be set for a public he	Zoning Commissione aring, advertised, as	r of Baltimore County, required by the zoning
		•	Zoning Commissi	oner of Baltimore Co	unty
CASE NO 99	-422-A	. Revie	ewed By	Date4	-23-99 -99
REV 9115198		Estin	nated Postina Date	5-2	-99

ZONING DESCRIPTION FOR 3915 SETON HURST RD

BEGINNING AT A POINT ON THE SUVINEAST SIDE OF SETONHUR ST RD WHICH IS GOFFET WIDE AT THE DISTANCE OF 126.39' northeast OF THE CENTER CINE OF THE NEAREST IMPROVED INTERSECTING STREET Avenhorst CIR WHICH IS 42.98 WIDE. BEING LOT # 8 BLOCK E SECTION 4 IN THE SUBDIVISION OF LAYDON PARK AS RECORDED IN BALTIMORE COUNTY PLAT BOOK # 30, FOCIO # 81 CONTAINING 5856 SQUARE FEET. ALSO KNOWN AS 3915 SETONHARGER AND LOCATED IN THE 2ND ELECTION DISTRICT, 2ND COUNCILMANIC DISTRICT.

422

阿昆 <u> F</u> NEG MADE CHRITTEN LIGHT LIXE DRIVERS FOR THE FORTION ROCKING IT OPPOSED OPPOSED OF 150 Recor Tat 56.00 CK 001 Baltimore County, Waryland 4221999 WEG:16 م مائي الورسائية (د " - المتحافظ الأسم كما يصابح مكاريون ماد يُسمت - 100 م] إنها أما إنها أما إنها أما إنها أ م CASHIER'S VALIDATION 66.7% material and the state of the s 110 No. 465450 R-001-6150 80012 1 The first state of the contraction of the contracti (A) (O) YELLOW - CUSTOMER ACCOUNT AMOUNT \$ Moises BALTIMORE COUNTY, MARYL. OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT 86. S. C. -- 1 PINK + AGENCY DISTRIBUTION WHITE - CASHIER interior PECEIVED FROM:

CERTIFICATE OF POSTING

RE: CASE # 99-422-A
PETITIONER/DEVELOPER:
(Joselito Moises)
DATE OF Hearing
(May 17, 1999)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Ave. Towson, Maryland 21204

ATTENTION: MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 3915 Setonhurst Road Baltimore, Maryland 21208______

The sign(s) were posted on ______ 4-30-99 _______

[Month, Day, Year]



Sincerely,
Cham Del A4/21/9
(Signature of Sign Poster & Date)
Thomas P. Ogle, Sr
325 Nicholson Road
Baltimore, Maryland 21221
(410)-687-8405
(Telephone Number)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 99- 422 -A Address 3915 Seton hunst Rd.
Contact Person: John Sullivan Phone Number: 410-887-3391 Planner, Please Print Your Name
Filing Date: <u>4-23-99</u> Posting Date: <u>5-2-99</u> Closing Date: <u>5-17-9</u>
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 99- 422 -A Address 3915 Setonhurst Rd (21208) Petitioner's Name Toselito Moises Telephone (410) 521-3026
Posting Date: $5-2-99$ Closing Date: $5-17-99$
Wording for Sign: To Permit a side yard set of 2 ft. for an open project (deck) in lieu of the minimum required 11.25 ft.
WCR - Revised 7/2/08

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

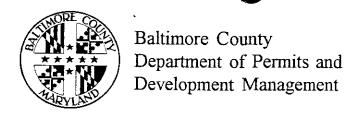
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 99-422-4
Petitioner: Joselito Moises
Address or Location: 3915 Seton huns + Rd. Balto, md. 2120
PLEASE FORWARD ADVERTISING BILL TO: Name:
Address: Same
Telephone Number: (410) 521-3026



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

May 18, 1999

Mr. Joselito D. Moises 3915 Setonhurst Road Baltimore, MD 21208

RE: Case No.: 99-422-A

Petitioner: Moises

Location: 3915 Setonhurst Road

Dear Mr. Moises:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on April 23, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Zoning Supervisor

Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us





700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

May 7, 1999

Arnold Jablon, Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF May 1, 1994

Itim Mo.: Geo Below Zoning Amenda:

. G.ntlamon:

Furtuant to your request, the referenced proporty has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

Of the Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

412, 413, 414, 415, 418, 419, 420, and 422

PEVIEWER: LT. HERB TAYLOR

Fire Mascral Office, DRONE 387-1331, MG-1102F

cr: File

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Permits and Development Management

DATE:

FROM:

R. Bruce Seeley, Project Manager

Development Coordination

DEPRM

SUBJECT:

Zoning Advisory Committee

Distribution Meeting Date: 5/3/99

The Department of Environmental Protection and Resource Management has **no comments** for the following Zoning Advisory Committee Items:

Item #'s:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Date: April 30, 1999

TO: Arnold Jablon, Director

Department of Permits

and Development Management

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):

Item No (s): 394, 414, 419, and 422

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:

AFK/JL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: May 13, 1999

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for May 10, 1999 Item No. 422

The Bureau of Development Plans Review has reviewed the subject zoning item. Per Baltimore County record drawing #69-0291, the County maintains a 30-inch R.C.C.P. storm drain pipe in a 10-foot-wide drainage and utility easement centered on the northeast property line of Lot #8.

Baltimore County policy prohibits the construction of a permanent structure within a designated utility easement.

RWB:HJO:jrb

cc: File



Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams Administrator

Date:

4.30.99

Ms. Gwen Stephens Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE: **Baltimore County**

Item No. 422

115

Dear. Ms Stephens:

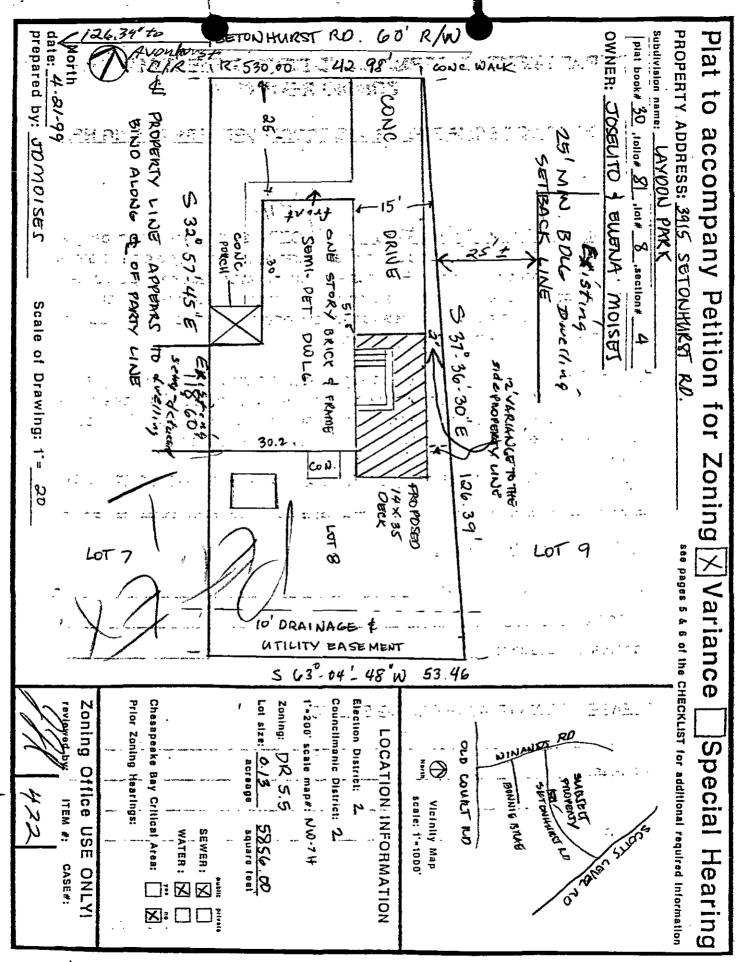
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

f. f. Godl

Michael M. Lenhart, Acting Chief Engineering Access Permits Division



(7

